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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,901	09/25/2003	Tomoaki Kawai	1232-5164	8028

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MORGAN & FINNEGAN, L.L.P.  
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NEW YORK, NY 10281-2101

EXAMINER
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NEGRON, WANDA M

ART UNIT	PAPER NUMBER
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2622

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/12/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/671,901	Applicant(s) KAWAI ET AL.	
	Examiner Wanda M. Negrón	Art Unit 2622	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 9 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

1. Claims 9 and 18 are objected to because of the following spelling errors:
  - Claim 9, line 2 should recite "a tracking operation"; line 3 should recite "in an image acquired".
  - Claim 18, line 2 should recite "a tracking operation".

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-3, 8, 10-12, 17 and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawai (Japanese Application Publication 2001-218194 A).**

4. Regarding **claim 10**, Kawai discloses an image delivery apparatus, i.e. an image distribution system (see paragraph [0008]), that delivers images acquired from an image pickup apparatus (16) to at least one of multiple external devices, i.e. terminal unit 14, the image pickup apparatus being remotely controllable by the multiple external devices (see paragraph [0017]), the image delivery apparatus comprising a data storage medium, i.e. a data-hold means (see paragraph [0010]), that stores control data to control the image pickup apparatus and a start time to start control using the control

data, a schedule execution unit, i.e. a timer section 216 of camera server 11 (see last sentence of paragraph [0054]), that starts control of the image pickup apparatus based on the control data at the start time, and a restriction unit, i.e. system control section 220 of the camera server apparatus 11 (see paragraph [0061]), that inhibits remote control of the image pickup apparatus by a predetermined external device, i.e. a general control connection (see paragraph [0084]), during control by said schedule execution unit, i.e. a privilege control connection (see paragraph [0084]).

5. Regarding **claim 11**, Kawai discloses that each of the multiple external devices and the control data are given a priority level of authorization, i.e. the multiple external devices have a general control connection (see paragraph [0084]) each having a client priority set up (see paragraph [0061]) while the control data has a privilege control connection (see paragraph [0084]), to control the image pickup apparatus, and said restriction unit inhibits remote control of the image pickup apparatus by external devices with a priority level lower than that of the control data (see paragraph [0084] and [0099]).

6. Regarding **claim 12**, Kawai discloses a unit, i.e. a command interpretation section 218 of the camera server apparatus 11 (see paragraph [0101]), that determines whether or not there is an external device controlling the image pickup apparatus at the start time, and a unit that compares a priority level of the external device and that of the control data, i.e. system control section 220, and forcibly stops authorization given to the external device to control the image pickup apparatus (S609) when the priority level of the control data is higher (see paragraph [0099]).

7. Regarding **claim 17**, Kawai discloses that the control data includes at least one of a zoom value, a pan control value and a tilt control value of the image pickup apparatus (see paragraph [0014]).
8. Method **claims 1-3, and 8** are drawn to the method of using the corresponding apparatus claimed in claims 10-14, and 17. Therefore method claims 1-5, and 8 correspond to apparatus claims 10-14, and 17 and are rejected for the same reasons of anticipation as used above.
9. Regarding **claims 19 and 20**, Kawai discloses a storage or recording medium readable and executable by a CPU with recorded program codes, which realize the function, described in claims 1 and 10 (see paragraph [0143]).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claims 4-5 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawai (Japanese Application Publication 2001-218194 A).**
12. Regarding **claim 13**, as mentioned in the discussion of claim 10 above, Kawai discloses all the limitations of the parent claim. Kawai, however, does not explicitly teach a unit that forcibly stops control by said schedule execution unit when remote

control of the image pickup apparatus is requested by an external device with a priority level higher than that of the control data during control by said schedule execution unit.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide for system control section 220 to forcibly stop control by the schedule execution when control is requested from a device with a higher priority since it provides an override mechanism for higher priority users, and including this function to the system taught by Kawai involves only routine skill in the art.

13. Regarding **claim 14**, as mentioned in the discussion of claim 10 above, Kawai discloses all the limitations of the parent claim. Kawai, however, does not explicitly teach that the control data includes authorization information of an external device to which control of the image pickup apparatus is permitted during control by said schedule execution unit, and said restriction unit inhibits remote control of the image pickup apparatus by an external device other than the external device to which control is permitted based on the authorization information.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include authorization information of an external device to which control of the image pickup apparatus is permitted during control by said schedule execution unit to the control data, and to inhibit remote control accordingly since it provides an override mechanism for higher priority users, and including this function to the system taught by Kawai involves only routine skill in the art.

14. Method **claims 4 and 5** are drawn to the method of using the corresponding apparatus claimed in claims 13 and 14. Therefore method claims 4 and 5 correspond to

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apparatus claims 13 and 14 and are rejected for the same reasons of obviousness as used above.

**15. Claims 6, 7, 9, 15, 16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawai (Japanese Application Publication 2001-218194 A) as applied to claims 1-5, 8, 11-14, 17 and 19-20 above, and further in view of Vaios (US 6,271,752 B1).**

16. Regarding **claims 15 and 16**, as mentioned in the discussion of claim 10 above, Kawai discloses all the limitations of the parent claim. Kawai, however, does not teach a detection unit that detects presence of an abnormality based on an image acquired from the image pickup apparatus during control by said schedule execution unit, which is an unattended operation since no user is required to perform the task, and a saving unit that saves the image acquired from the image pickup apparatus when any abnormality is detected by said detection unit.

On the other hand, Vaios teaches a security surveillance system using a video camera with a motion sensor (see col. 3, lines 24-27), which transmits the video data obtained after a motion sensor is activated to a local computer system for storage (see col. 8, lines 50-58). However, Vaios does not explicitly teach that the detection is based on an image acquired from the camera. Official notice is taken that both the concept and the advantage of calculating the difference between two frames to detect motion in a video-monitored area are well known in the art.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to integrate a motion detecting unit for detecting motion in a monitored area and a storage unit for storing the associated video images, as disclosed by Vaios, to the image pickup apparatus taught by Kawai because, even during an unattended operation of the image pickup apparatus, images associated with an unauthorized intrusion are stored for later review by the police or an authorized user.

17. Regarding **claim 18**, Vaios teaches that a tracking operation is performed for an object moving in an image acquired from the image pickup apparatus (see col. 8, lines 50-54).

18. Method **claims 6, 7, and 9** are drawn to the method of using the corresponding apparatus claimed in claims 15, 16, and 18. Therefore method claims 6, 7, and 9 correspond to apparatus claims 15, 16, and 18 and are rejected for the same reasons of obviousness as used above.



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19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wanda M. Negrón whose telephone number is (571) 270-1129. The examiner can normally be reached on Mon-Fri 6:30 am - 4:00 pm alternate Fri off.

20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Wanda M Negrón  
March 1, 2007

A handwritten signature in black ink, appearing to read 'David Ometz', with a long horizontal line extending to the right.

DAVID OMETZ  
SUPERVISORY PATENT EXAMINER